

## ZONING BOARD OF APPEALS

**Wednesday, February 20, 2008**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**ZBA Members:** Fred Money  
Tom Przytulski  
Dan Roszkowski  
Julio Salgado  
Craig Sockwell

**Absent:** William Orr  
Alice Howard

**Staff:** Todd Cagnoni – Manager of Current Planning  
Sandra Hawthorne – Administrative Assistant  
Kerry Partridge – City Attorney  
Frank Schmitt – Chief, Fire Prevention Division

**Others:** Alderman Carl Wasco (left at 7:30)  
Alderman Frank Beach (left at 7:30)  
Kathy Berg, Stenographer  
Applicants and Interested Parties

The meeting started at 6:40 P.M. A **MOTION** was made by Tom Przytulski to **APPROVE** the minutes of the January 15, 2008 meeting as submitted. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0 with Alice Howard and William Orr absent.

**106-07      5950 Spring Creek Road**  
Applicant      Erick Jenkins / WFI  
Ward 4      **Special Use Permit** for a one hundred fifty-one (151) foot high communication antenna support structure in a R-1, Single-family Residential District  
**Laid Over from December and January meetings**

Neither Applicant nor Representative were present. Staff Recommendation was for Denial.

A **MOTION** was made by Tom Przytulski to **DISMISS** the Special Use Permit for a one hundred fifty-one (151) foot high communication antenna support structure in an R-1, Single-family Residential District at 5950 Spring Creek Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

No further action will be taken on this item.

**108-07      110 South Alpine**  
Applicant      Atty. Tom Meyer for G.B. Illinois 2, LLC  
Ward 14      **Variation** from the required Type C Buffer to a standard perimeter landscape strip along Manheim Road in a C-3, Commercial General Zoning District  
**Laid Over from December and January meetings**

The subject property is located at the southeast corner of the intersection of East State Street and South Alpine Road and currently is office use. Attorney Tom Meyer, Lee Winter and Mark Rice were present. Attorney Meyer reviewed the request for Variation to landscaping. This is for a CVS store that is being proposed on this location. The existing office building will be demolished. A right-hand turn lane on

Manheim will be added. Attorney Meyer explained that In order to fit this turn lane in, some of the landscaping needed to be reduced. Dan Roszkowski asked what materials will be used on the building. The Applicant responded that structural brick and EIFS trim will be used. This elevation is the standard plan for CVS stores. Attorney Meyer stated they have been working with Alderman Beach extensively on this project. At this time, it is difficult to specify when construction will begin because one of the tenants has not indicated when they will be vacating their space.

Staff Recommendation was for Approval with 8 conditions. Mr. Cagnoni explained that Staff was willing to remove conditions 7 and 8 regarding the future of the right-in/right-out on Alpine Road as originally requested to allow more comfort to the developer. There are no road improvements currently proposed for this area to Staff's knowledge. One Objector was present.

Stanley Tunnell, 4515 Manheim Road, stated he lives across the street from the current office building. Mr. Tunnel expressed three areas of concern, also addressed in his letter attached to the Zoning Report. He is concerned that the proposed use will cause a significant increase in traffic; that the hours of this type of business will be longer than the office use, possible 24 hours; and also that the proposed building will be closer to his residence.

In response, Attorney Meyer explained that the Variation to landscaping is necessary because of the addition of the turn lane. He stated significant landscaping will be done on this project. Mr. Tunnell stated the new exit will be across from his driveway and requested that this exit be moved further to the west. The Applicant responded that discussions between the developer and the City were that this entrance was at the best location for the development and traffic control. Jon Hollander, City Engineer, explained that Staff has looked at a number of plans and feel that this is the best location to accommodate left-hand turn movements on Manheim. In response to a question from Mr. Roszkowski asking if this exit could be a right out only, Mr. Hollander stated Public Works feels this is the only opportunity to allow left-hand movement from the site.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Variation from the required Type C Buffer to a standard perimeter landscape strip along Manheim Road in a C-3, Commercial General Zoning District at 110 South Alpine with the deletion of Staff Conditions 7 & 8. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1, with Dan voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Submittal of a site plan for Staff review and approval.
3. Submittal of a landscaping plan for Staff review and approval.
4. Submittal of an illumination plan for Staff review and approval.
5. Submittal of an elevation plan and final building materials for Staff review and approval.
6. Approval from the Illinois Department of Transportation allowing the proposed right-in, right-out on East State Street.

**ZBA 108-07**  
**Findings of Fact for a Variation**  
**From the Required Type "C" Buffer to a Standard Perimeter Landscape Strip**  
**Along Manheim Road**  
**In a C-3, Commercial General District at**  
**110 South Alpine Road**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**120-07**

Applicant  
Ward 5

**627 and 629 Montague Street**

M & M Market & Deli, Inc. / Brenda Martin

**Special Use Permit for a Planned Mixed Use Development**

for a store expansion greater than the allowable ten percent (10%) of existing building and related parking lot in a C-2, Commercial Community Zoning District

**Laid Over from January meeting**

This property is located on the northeast corner of Montague Street and West Street and is currently a convenience store. Maurice Martin, Applicant, and Rob Belles, Architect, were present. Mr. Martin reviewed his request to expand the existing convenience store by 900 feet to allow a deli with no sit down area. Mr. Martin indicated that he was agreeable to Staff conditions.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a Planned Mixed use Development for a store expansion greater than the allowable ten percent (10%) of existing building and related parking lot in a C-2, Commercial Community Zoning District at 627 and 629 Montague Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Prior to issuance of Planning Clearance for a Building Permit, the applicant shall submit a civil site plan for Staff review and approval.
2. Submittal of a final landscape plan including site-obscuring fence and material for Staff's review and approval.
3. Submittal of building elevations for Staff's review and approval.

**ZBA 120-07**  
**Findings of Fact for a Special Use Permit for a Planned mixed-Use Development**  
**For a Store Expansion Greater than the Allowable Ten Percent (10%)**  
**Of Existing Building and Related Parking Lot**  
**In a C-2, Commercial Community Zoning District at**  
**627 and 629 Montague Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

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| <b>001-08</b><br>Applicant<br>Ward 3 | <b><u>711 North Main Street</u></b><br>Daniel Saavedra<br><b>Variation</b> to reduce the front yard setback from the existing eight feet to one feet along North Main Street in a C-1, Limited Office Zoning District |
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The subject property is located approximately one block south of the North Main Street and Whitman Street intersection and is the Rockford Art Museum. Daniel Saavedra, Architect, and Linda Dennis, Executive Director of Rockford Art Museum, were present. The Rockford Art Museum is proposing a new façade on the North Main side of the building with a new staircase, and to remove the staircase at the south entrance. This will allow easier access for exhibitions through the area where the staircase is removed. Mr. Saavedra explained the glass and wall material will be the same as the existing entrance. The Board asked Mr. Saavedra if the Applicant was concerned with possible accidents resulting in vehicles going through the glass because of its close proximity to the street. Mr. Saavedra explained there will be some amount of concrete behind the glass and did not feel this was a major concern. Mr. Hollander stated from a safety standpoint Public Works would prefer to see a concrete wall to act as a crash barrier and advised the Applicant to rethink the architecture for the safety of the building. Dan Roszkowski stated it was his feeling that there were buildings downtown a lot closer to the street than this proposal. Attorney Partridge wished to be certain the Applicant understood the meaning of the Hold Harmless Clause due to the possibility of a snow plow throwing up snow into the glass. He also asked if there will be someone available all night to secure the building in the event of an accident or glass breakage. Ms. Dennis explained there are alarms that will go off in the event the glass is disrupted and they will have security there immediately. Attorney Partridge again clarified that the applicant understood the City would not be held responsible under the Hold Harmless Clause on the glass panels. Mr. Saavedra stated they could put limestone or concrete up to a portion of the glass. Mr. Sockwell asked if any glare from the glass would inhibit oncoming vehicles. Dan Roszkowski felt the angle of the glare would not bounce back to vehicles.

Staff Recommendation was for Approval with 2 conditions. No Objectors were present.

A **MOTION** was made by Tom Przytulskito **APPROVE** the Variation to reduce the front yard setback from the existing eight feet to one foot along North Main Street in a C-1, Limited Office Zoning District at 711 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. If approved by City Council, Staff recommends that the addition is in conformance with the color renderings and site plan (Exhibits D, E, I, and J).
2. That the applicant provides a Hold Harmless Agreement to the City (terms and conditions to be approved by the Legal Department).

**ZBA 001-08**  
**Findings of Fact for a Variation**  
**To Reduce the Front Yard Setback From the Existing Eight (8) Feet**  
**To One (1) Foot Along North Main Street**  
**In a C-1, Commercial Limited Zoning District at**  
**711 North Main Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

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| <b>002-08</b><br>Applicant<br>Ward 3 | <b><u>317-325 West Jefferson Street</u></b><br>John Rosenbloom<br><b>Special Use Permit</b> for a nightclub (dance hall) that does not satisfy the Performance Criteria of 600 feet away from a residential district in a C-4, Commercial Old Town Zoning District |
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The subject property is located on the north side of West Jefferson Street, west of North Main Street, and east of North Church Street and is an existing building with vacant tenant spaces. Attorney Nancy Hyzer and John Rosenbloom were present. Mr. Rosenbloom is under contract to purchase this property for the

use of a nightclub (dance hall). Because this property is within 600 feet of a residential district, a Special Use Permit is required. Staff clarified that the Residential District was actually a park. Attorney Hyzer added there are two City parking decks within this area. Mr. Rosenbloom is aware of, and agreeable to, Staff conditions.

Staff Recommendation was for Approval with 4 conditions. No Objectors were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special use Permit for a nightclub (dance hall) that does not satisfy the Performance Criteria of 600 feet away from a residential district in a C-4, Commercial Old Town Zoning District at 317-325 West Jefferson Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with all City of Rockford Liquor Codes.
2. Meeting all applicable building and fire codes.
3. Submittal of a security plan for Staff review and approval.
4. The nightclub will be limited to the interior site plan submitted.

**ZBA 002-08**  
**Findings of Fact for a Special Use Permit**  
**For a Nightclub (Dance Hall) That Does Not Satisfy the Performance Criteria**  
**of Being 600 feet Away from a Residential District**  
**In a C-4 Commercial Old Town Zoning District at**  
**317-325 West Jefferson Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Zoning District in which it is located.

003-08

Applicant  
Ward 14

**5832 Columbia Parkway**

William Charles Real Estate

**Zoning Map Amendment** from C-2, Commercial Community District, to C-3, Commercial General District

**Special Use Permit For a Performance Use** of heavy equipment sales/service/retail and outdoor storage/sales/display of heavy equipment that cannot satisfy the minimum distance of 600 feet to a residential district in a C-3, Commercial Community District

The subject property is vacant Lot #7 of Plat #2 of Harrison Park North Subdivision and is 2.366 acres in size. Scott Perian, representing the Applicant, reviewed the request. McAllister Equipment, the owner of Lot #8, is purchasing Lot #7 for expansion of his business and intends to use this area for storage of heavy equipment that would be for sale or rent. Mr. Perian explained the building for McAllister Equipment will be on Lot 8, which has already been through the zoning process. Lot 7 will be accessed through Lot 8. The area used for equipment storage will be paved and enclosed with an 8 foot high chain link fence. Detention and quarry are to the north, Columbia Pipe is to the west, the area to the south are vacant lots 10, 11 and 14 and the W. W. Granger future site, and east is McAllister Equipment. Mr. Perian felt this use is consistent with the surrounding areas. He further explained that McAllister has purchased a 40 foot wide strip along Lot 10.

Staff Recommendation was for Approval of both requests with 6 conditions. No Objectors were present

A **MOTION** was made by Tom Przytulski to **APPROVE** the Zoning Map Amendment from C-2, Commercial Community District to C-3, Commercial General District and to **APPROVE** the Special Use Permit for a Performance Use of heavy equipment sales/service/retail and outdoor storage/sales/display of heavy equipment that cannot satisfy the minimum distance of 600 feet to a residential district in a C-3, Commercial Community District at 5832 Columbia Parkway. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a site plan for Staff review and approval.
3. Submittal of a landscaping plan and an illumination plan will be required for Staff review and approval.
4. the proposed access drive shall be paved with recycled asphalt pavement (R.A.P.).
5. Removal of the access drive that was proposed on the adjacent lot #8 that would cross the detention pond.
6. Combination of Lots #7 and #8 of Plat No. 2 of Harrison Park North Subdivision.

**ZBA 003-08**

**Findings of Fact for a Zoning Map Amendment  
From C-2, Commercial Community District  
To C-3, Commercial General District at  
5832 Columbia Parkway**

**Approval** of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and

- c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as commercial.

**004-08                    175 Executive Parkway**

Applicant                First Rockford Group

Ward 1

**Variation** to increase maximum freestanding business sign height to 30 feet

**Variation** to increase sign area to 320 square feet in the C-2, Commercial Community District

Prior to the meeting, a written request was received from the Applicant requesting that this item be Laid Over to the March 18<sup>th</sup> meeting.

A **MOTION** was made by Fred Money to **LAY OVER** the Variation to increase maximum freestanding business sign height to 30 feet, and to **LAY OVER** the Variation to increase sign area to 320 square feet in a C-2, Commercial Community District at 175 Executive Parkway to the March 18, 2008 meeting. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 6-0.

**005-08                    371 Blackhawk Park Avenue**

Applicant                Warren Strom

Ward 5

**Special Use Permit** for an auto salvage or junk yard that does not satisfy the Performance Criteria of 1,000 feet away from a residential district in an I-2, General Industrial Zoning District

Prior to the meeting, a written request was received by the Applicant to Lay Over this item for at least one month, possibly two, to allow them time to address Staff concerns and requirements. Staff is agreeable to a two-month layover if the Board is acceptable of this time frame.

A **MOTION** was made by Fred Money to **LAY OVER** the Special Use Permit for an auto salvage or junk yard that does not satisfy the Performance Criteria of 1,000 feet away from a residential district in an I-2, General Industrial Zoning District at 371 Blackhawk Park Avenue to the April 15, 2008 meeting. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

**006-08                    2904 West State Street**

Applicant                Naef Thabet

Ward 13

**Special Use Permit for a Planned Mixed Use Development** consisting of retail sales and a carryout restaurant in an I-1, Light Industrial District

The subject property is located on the south side of West State Street, approximately 198 feet east of Vista Terrace and is currently a restaurant. Naef Thabet, Applicant, and Rob Belles, Architect, were present. Mr. Belles stated they wished to divide this structure, with half being a carry-out restaurant and a retail clothing store in the other half. Parking requirements are met, and the Applicant is in agreement with Staff conditions.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a Planned Mixed Use Development consisting of retail sales and a carryout restaurant in an I-1, Light Industrial District at 2904 West State Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.



Approval is subject to the following conditions:

1. Submittal of a revised landscaping plan prior to issuance of a building permit and completion of all required landscaping prior to issuance of certificate of occupancy.
2. Meeting all applicable building and fire codes.
3. Obtain all required permits through IDOT and Public Works.

**ZBA 006-08**  
**Findings of Fact for a Special Use Permit**  
**For a Planned Mixed Use Development**  
**Consisting of Retail Sales and a Carryout Restaurant**  
**In an I-1, Light Industrial District at**  
**2904 West State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. Other retail establishments surround the property.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located.

**007-08**

Applicant  
Ward 1

**83XX-84XX East State Street**

Sunil State, L.L.C.

- (A) **Special Use Permit for a Planned Mixed-Use Development** consisting of a bowling alley/billiard hall/amusement arcade/bar/lounge and other associated commercial/retail uses
- (B) **Variation** to allow dumpster enclosures within the front yard setback along Chandan Drive for the proposed 15,000 sq. ft buildings
- (C) **Special Use Permit** for an off-premise freestanding business sign on lot #9
- (D) **Special Use Permit** for an off-premise freestanding business sign on lot #6
- (E) **Variation** to increase the maximum height from 20 ft. to 40 ft. for the off-premise freestanding business sign on lot #9
- (F) **Variation** to increase the maximum square footage from 240 sq. ft to 290 sq. ft for the off-premise freestanding business sign on lot #9
- (G) **Variation** to increase the maximum height from 20 ft. to 35 ft. for the off-premise freestanding business sign on lot #6
- (H) **Variation** to increase the square footage from 240 sq. ft to 290 sq. ft for the off-premise freestanding business sign on lot #6
- (I) **Special Use Permit** to increase the size of an electronic graphic display sign from 36 sq. ft to 51 sq. ft. for the off-premise freestanding business sign on lot #9

- (J) **Special Use Permit** to increase the size of an electronic graphic display sign from 36 sq. ft to 51 sq. ft. for the off-premise freestanding business sign on lot #6
- (K) **Variation** from the required 4 ft. to 0 green space between property lines
- (L) **Variation** to eliminate the required Type "A" Buffer between the C-3 and C-2 boundary, in a C-2, Commercial Community District, and a C-3, Commercial General Zoning District

The subject property consists of 22 acres of vacant land next to the Kerosotes Showplace 16. Pankaj Mahajan, Ben Bernsten, and Tyler Nelson, from First Rockford Group, and Harold Sriver, representing Brunswick were present. Mr. Mahajan reviewed the requests. Mr. Mahajan feels this is a monumental development for the City of Rockford. This is a new concept called an "entertainment center". He explained the Applicant wishes to create a 250,000 square feet entertainment district, in addition to the Kerosotes Theaters. The way to bring people to the east side of I-90 is to provide such an entertainment center. He stated approximately 700,000 people are within a 30 minute drive of this location to draw from. This development will have a lot of family entertainment for all ages as well as restaurants. The Applicant is considering the concept of shuttle buses from nearby hotels for the convenience of patrons. This entertainment center will be a twelve-month of the year draw. They expect to break ground on two of the businesses this year minimum. An 8 foot high water feature will be on the development also. Harold Sriver, Project Manager with Brunswick reviewed the (A) Special Use Permit. He stated this development will create 160 full time jobs. The facility itself is constructed of pre-cast panels with masonry treatment around the base. Murals on the north elevation will depict the entertainment within the building, such as bowling, billiards, amusement arcade, etc. Mr. Sriver stated this facility is the 7<sup>th</sup> one in the United States. They have received very positive results from the surrounding communities of the other facilities.

Hours of operation would be an opening time of 9:00 AM or 10:00 AM, 7 days a week. The facility could be open as late as midnight during the week and 2:00 AM on weekends. Hours will be dictated by various licenses and statutes and ordinances pertaining to each entertainment venue. Mr. Shriller gave a verbal walk-through of the building starting at North elevation. He described the lobby, restaurant with fireplace and soft seating venue, billiard hall, game room, redemption center, electronic laser tag game area, snack bar and bowling area. He further explained there will also be a conference room area that can be divided up to 3 meeting rooms. Washroom facilities will be located in more than one area.

Staff Recommendation was for Approval of all items with the exception of Variation (E) and (G), with approval of modified height requirements of items (E) and (G). Recommendations of Approval included 11 conditions.

Mr. Mahajan discussed conditions of approval regarding sign height. He stated the project is trying to capture traffic to come to this entertainment center. It is not visible from I-90 and signage needs to be seen from 3000 feet away from the I-90 / State Street exit. The Applicant will also develop outlots in the future. Consideration is being given to indoor golf, go-carts, to bring more entertainment to this center. Regarding Staff requirement of a sidewalk on State Street, Mr. Mahajan feels interior sidewalks are safer. He also requested that the Applicant not have to provide the 4 foot open greenspace. He was also not in agreement to building a commercial street from Brunswick going south. He does not feel this street will get much use.

One Objector was present.

George Bates owns the property next to Stillman Bank between Northern Drive and East State Street. This property is vacant at this time, but his group will be building a new business office on this lot. He is concerned with the installation of a red LED light going all around the proposed building. Mr. Bates feels this project is one that is more intent on bringing in jobs with minimum wages. He feels from an economic standpoint this area should attract businesses that would bring high paying jobs. Homes in this area attract high earners and Mr. Bates feels businesses that pay \$50,000 to \$300,000 jobs are needed in this area. He further explained that when he tried to get a landscaping plan approved he was told by the City that they wanted trees all along State Street to minimize his building. Yet, this Applicant now

comes before the Board with minimum or no landscaping and signage that is beyond that which has been allowed to surrounding businesses. A medical center or technology center, for example, should be the type of businesses attracted to this area. Mr. Bates encouraged the Board to reconsider this application and raise the City's sights and expectations to put Rockford on the map as a successful and attractive professional city. He ended by stating it sounds as though the Applicant wants to put signage in a carnival atmosphere on a major corridor of the City and asked if this is what the City wants?

In response, Mr. Mahajan stated First Rockford is one of the largest land owners in Rockford. Every day they decide how they are going to make money today and how can they make Rockford a better place. He stated Rockford is negative on the service center. Mr. Mahajan explained First Rockford has made efforts in the past for technology parks with no takers. He feels this is a huge opportunity for the City of Rockford to attract people to come here.

Mr. Salgado asked how many signs they were planning. Mr. Mahajan explained they were requesting 2 signs. He further pointed out that this parcel has been zoned as commercial for a long time and no zoning changes are being requested as part of this application.

Dan Roszkowski felt there were a lot of Variations for signage, landscaping, and heights in this Application.

Mr. Cagnoni explained the off-premise business sign requests for Lots 6 and 9. He explained Staff was willing to support the waiver of the open green space between buildings and treat this as a shopping center design. Staff believes this development provides tremendous opportunity for the City of Rockford, and the uses fit the zoning classification for this property. The City supports the removal of the buffer because it would go across two parking lots. As the project goes forward, compliance with the Ordinance will be required. Mr. Cagnoni stated the attempt is to balance out an appropriate land use with reasonable development standards.

Mr. Roszkowski expressed concerned with the new ordinance the City is trying to enforce and expressed that we should start doing that with sign height and landscaping issues. He would like to see the overall landscaping requirements met. He stated the City needs to start going along with what the Ordinance is asking the Board to do. He added that the Ordinance was passed because the City has had sub-standards in the past. Todd stated the flexibility of landscaping in this case is that it can be treated either as individual lots or as a shopping center. If this project is supported with Staff conditions of approval, this will occur. Staff agreed they are not in favor of changing conditions of Approval as the Applicant is asking the Board to do.

Mr. Roszkowski stated he did not have a problem with eliminating the 4' strips as long as there is landscaping around the perimeters. Todd clarified the standard is 4% with individual lots, and 8% if a shopping center. Although the standards are different, the goal is ultimately the same.

Mr. Hollander wished to remind the board that any approved Tentative Plats were not intended to define what the uses would be in the future. Public Works feels a commercial street needs to be required if there is a commercial use, particularly since future uses are not defined at this time.

A **MOTION** was made by Tom Przytulski to **APPROVE** the **(A)** Special Use Permit for a Planned Mixed-Use Development consisting of a bowling alley/billiard hall/amusement arcade/bar/lounge and other associated commercial/retail uses; **APPROVE** the **(B)** Variation to allow dumpster enclosures within the front yard setback along Chandan Drive for the proposed 15,000 sq. ft buildings; **APPROVE** the **(C)** Special Use Permit for an off-premise freestanding business sign on lot #9; **APPROVE** the **(D)** Special Use Permit for an off-premise freestanding business sign on lot #6; **DENY** the **(E)** Variation to increase the maximum height from 20 ft. to 40 ft. for the off-premise freestanding business sign on lot #9; and to **APPROVE** a Variation to increase the maximum height from 20 feet to 30 feet as measured from the grade of E. State Street for the off-premise freestanding business sign on lot #9; **APPROVE** the **(F)** Variation to increase the maximum square footage from 240 sq. ft to 290 sq. ft for the off-premise freestanding business sign on lot #9; **DENY** the **(G)** Variation to increase the maximum

height from 20 ft. to 35 ft. for the off-premise freestanding business sign on lot #6; and **APPROVE** a Variation to increase the maximum height from 20 ft. to 30 feet as measured from the grade of E. State Street for the off-premise freestanding business sign on lot #6; **APPROVE** the **(H)** Variation to increase the square footage from 240 sq. ft to 290 sq. ft for the off-premise freestanding business sign on lot #6; **APPROVE** the **(I)** Special Use Permit to increase the size of an electronic graphic display sign from 36 sq. ft to 51 sq. ft. for the off-premise freestanding business sign on lot #9; **APPROVE** the **(J)** Special Use Permit to increase the size of an electronic graphic display sign from 36 sq. ft to 51 sq. ft. for the off-premise freestanding business sign on lot #6; **APPROVE** the **(K)** Variation from the required 4 ft. to 0 green space between property lines; and **APPROVE** the **(L)** Variation to eliminate the required Type "A" Buffer between the C-3 and C-2 boundary, in a C-2, Commercial Community District, and a C-3, Commercial General Zoning District at 83XX-84XX East State Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. That the subject property will be reviewed and regulated by the requirements of the 1993 Zoning Ordinance, including building setbacks, parking requirements, signage, landscaping and other development standards unless specifically identified and varied with this request.
2. Submittal of a civil site plan for staff review and approval.
3. Submittal of a landscaping plan for staff review and approval. Said landscaping plan shall satisfy all landscaping requirements with the exception of the Type A buffer requirements between the C-2 and C-3 district and the 4 foot open green space between property lines if 8% interior landscaping is provided over multiple lots in the same area. If individual lots satisfy the landscaping requirements, inclusive of 4 foot green space between property lines, 4% of interior landscaping shall be provided.
4. Submittal of an illumination (photometrics) plan for staff review and approval.
5. Submittal of elevation plans for staff review and approval.
6. Submittal of a Final Plat for Lot #10 for City review and approval.
7. South University Drive shall be designed as a commercial 3-lane street with streetlights matching the original commercial street lights on Showplace.
8. The development of Lot #9 shall require Modification of the Special Use Permit to be approved by City Council. At that time, a soils report is required per state law.
9. That the sign height shall be limited to 30 feet as measured from the grade of East State Street for the off-premise business signs on Lot 6 and 9. All other freestanding signs on the property shall be monument style and not exceed 8 feet in height.
10. Submittals of sign permit applications for Staff review and approval, prior to the installation of signage.
11. Meeting all applicable Building and Fire codes.

#### **ZBA 007-08**

#### **Findings of Fact for a Special Use Permit for a Planned Mixed-Use Development Consisting of a Bowling Alley/Billiard Hall/ Amusement Arcade/Bar/Lounge and other Associated Commercial/Retail Uses In a C-2, Commercial Community District and C-3, Commercial General District at 83XX-84XX East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2, Commercial Community and C-3, Commercial General Zoning Districts in which it is located.

**ZBA 007-08**

**Findings of Fact for a Variation**

**To allow Dumpster Enclosures Within the Front Yard Setback**

**Along Chandan Drive for the Proposed 15,000 Square Foot Buildings**

**In a C-2, Commercial Community District and C-3 Commercial General District at  
83XX-84XX East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 007-08**  
**Findings of Fact for a Special Use Permit**  
**For an Off-Premise Freestanding Business Sign on Lot #9**  
**In a C-2, Commercial Community District and**  
**C-3, Commercial General District at**  
**83XX-84XX East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2, Commercial Community and C-3, Commercial General Zoning Districts in which it is located.

**ZBA 007-08**  
**Findings of Fact for a Special Use Permit**  
**For an Off-Premise Freestanding Business Sign on Lot #6**  
**In a C-2, Commercial Community District and**  
**C-3, Commercial General District at**  
**83XX-84XX East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Commercial Community and C-3, Commercial General Zoning Districts in which it is located.

**ZBA 007-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Height From 20 Feet to 40 Feet**  
**For an Off-Premise Freestanding Business Sign on Lot #9**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX – 84XX East State Street**

**Denial** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 007-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Square Footage from 240 Square Feet**  
**To 290 Square Feet for the Off-Premise Freestanding Business Sign on Lot #9**  
**In a C-2, Commercial Community District and C-3 Commercial General District at**  
**83XX – 84XX East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.

5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 007-08**  
**Findings of Fact for a Variation**  
**To Increase the Maximum Height from 20 Feet to 35 Feet**  
**For the Off-Premise Freestanding Business Sign on Lot #6**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX – 84XX East State Street**

**Denial** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
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6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.



**ZBA 007-08**  
**Findings of Fact for a Variation**  
**To Increase the Square Footage from 240 Square Feet to 290 Square Feet**  
**For the Off-Premise Freestanding Business Sign on Lot #6**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX-84XX East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
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5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 007-08**  
**Findings of Fact for a Special Use Permit**  
**To Increase the Size of an Electronic Graphic Display Sign**  
**From 36 Square Feet to 51 Square Feet**  
**For the Off-Premise Freestanding Business Sign on Lot #9**  
**In a C-2, Commercial Community District and C-3 Commercial General District at**  
**83XX – 84XX East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Commercial Community and C-3, Commercial General Zoning Districts in which it is located.

**ZBA 007-08**  
**Findings of Fact for a Special Use Permit**  
**To Increase the Size of an Electronic Graphic Display Sign**  
**From 36 Square Feet to 51 Square Feet**  
**For the Off-Premise Freestanding Business Sign on Lot #6**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX – 84XX East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Commercial Community and C-3, Commercial General Zoning Districts in which it is located.

**ZBA 007-08**  
**Findings of Fact for a Variation**  
**From the Required 4 Feet to 0 Feet Green Space Between Property Lines**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX – 84XX East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of the Variation is not based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of the Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 007-08**  
**Findings of Fact for a Variation**  
**To Eliminate the Required Type "A" Buffer Between the C-3 and C-2 Boundary**  
**In a C-2, Commercial Community District and C-3, Commercial General District at**  
**83XX and 84XX East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
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6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

With no further business to report, the meeting was adjourned at 8:40 PM

Respectfully submitted,

Sandra A. Hawthorne  
Administrative Assistant  
Zoning Board of Appeals